

INTERVIEW SUMMARY

Applicants appreciate the courtesy extended for the telephone interviews between Applicants' representatives Catherine I. Klima-Silberg and Gregory W. Smock and Examiner Phi Dieu Tran A on July 30, 2007 and August 1, 2007. During the interviews, the rejections made in the Office Action dated June 5, 2007 (hereinafter "Office Action"), and the references cited therein were discussed in light of the pending claims. At the conclusion of the interviews, Examiner Phi Dieu Tran A indicated the claims appeared to overcome the rejections with respect to Keuser Sr. (US 1,571,012).

REMARKS

This responds to the Office Action. Claims 1, 8, and 23 are currently amended. Claims 14-22 were previously canceled without prejudice or disclaimer. No claims are added. Accordingly, claims 1-13 and 23-33 are currently pending in this patent application. Applicants submit that the claim amendments are fully supported by this application as filed.

§102 Rejection of the Claims

1. Claims 1-4, 6-13, 23-30, and 32-33 were rejected under 35 U.S.C. § 102(b) for anticipation by Keuser Sr. (US 1,571,012) (hereinafter "Keuser").

Claim 1:

Applicants cannot find in Keuser, among other things, a window assembly comprising a bracket assembly disposed within a recess of a window jamb surface, as recited in claim 1.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 1. Claims 2-7 and 31-32 are dependent on claim 1 and are patentable over Keuser for the reasons stated above, in addition to the elements in such claims.

Claim 32:

Additionally, regarding claim 32, Applicants cannot find in Keuser a window assembly comprising a bracket portion "wherein the bracket portion includes a tool access port on a leading edge thereof" for sliding the bracket portion from a first position to a second position, as recited or incorporated in claim 32.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 32.

Claim 3:

Additionally, regarding claim 3, Applicants cannot find in Keuser a window assembly “wherein the bracket assembly is substantially concealed in the window jamb assembly from a frontal view of the window when the bracket portion is disposed in the first position,” as recited in claim 3.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 3.

Claim 7:

Additionally, regarding claim 7, Applicants cannot find in Keuser a window assembly comprising “one or more fasteners securing the bracket assembly to an outer frame, where the one or more fasteners are concealed from view,” as recited in claim 7.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 7.

Claim 8:

Applicants cannot find in Keuser, among other things, a window assembly comprising a bracket assembly disposed within a recess in a surface of a window jamb liner.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 8. Claims 9-13 are dependent on claim 8 and are patentable over Keuser for the reasons stated above, in addition to the elements in such claims.

Claim 9:

Additionally, regarding claim 9, Applicants cannot find in Keuser a window assembly “wherein the bracket assembly further includes a base plate coupled with an outer frame of the window,” as recited in claim 9.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 9.

Claim 12:

Additionally, regarding claim 12, Applicants cannot find in Keuser a window assembly “wherein the bracket portion is disposed over a portion of the rail and the stile [of a window sash] when the bracket portion is disposed in the second position,” as recited in claim 12.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 12.

Claim 13:

Additionally, regarding claim 13, Applicants cannot find, nor has the Office Action identified, in Keuser a window assembly “wherein the filler has an outer appearance similar to the jamb liner,” as recited in claim 13.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 13.

Claim 23:

Applicants cannot find in Keuser, among other things, a window assembly comprising a bracket assembly disposed within a recess in a surface of a window jamb liner.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 23. Claims 24-30 and 33 are dependent on claim 23 and are patentable over Keuser for the reasons stated above, in addition to the elements in such claims.

Claim 25:

Additionally, regarding claim 25, Applicants cannot find in Keuser a window assembly comprising a bracket assembly “wherein the bracket assembly is substantially concealed in the window jamb assembly from a frontal view of the window when the bracket portion is disposed in the first position,” as recited in claim 25.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 25. Claim 33 is dependent on claim 25 and is patentable over Keuser for the reasons stated above, in addition to the elements in such claim.

Claim 27:

Additionally, regarding claim 27, Applicants cannot find in Keuser a window assembly comprising “one or more fasteners securing the bracket assembly to an outer frame, where the one or more fasteners are concealed from view,” as recited in claim 27.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 27.

Claim 29:

Additionally, regarding claim 29, Applicants cannot find, nor has the Office Action identified, in Keuser a window assembly “wherein the filler has an outer appearance similar to one or both of the window jamb assembly of the window jamb liner,” as recited in claim 29.

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 29.

§103 Rejection of the Claims

2. Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Keuser in view of Vazquez (US 2,003,128) (hereinafter “Vazquez”). Applicants respectfully request reversal of this rejection on the ground that there is no *prima facie* case of obviousness because such combination of references fails to establish all elements recited in claim 5.

For instance, claim 5 recites a window assembly “wherein the window sash includes a rail and a stile, and the bracket portion is disposed over a portion of the rail and the stile when the bracket portion is disposed in the second position.”

Applicants respectfully request reconsideration and withdrawal of this basis of rejection of claim 5.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants’ silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or

legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any canceled claims in a subsequent patent application claiming the benefit of priority of this patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited and encouraged to telephone Applicants' attorney Catherine I. Klima-Silberg at (612) 359-3276 or Gregory W. Smock at (612) 373-6956 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JEROME A. HAPKA ET AL.

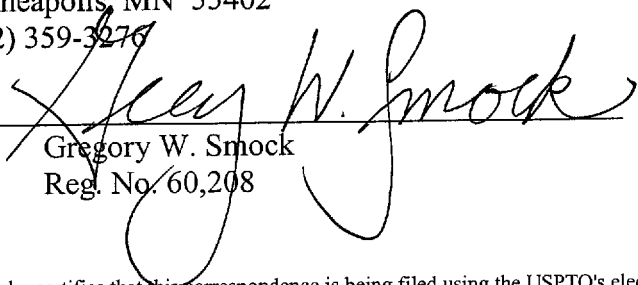
By their Representatives,

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Date

AUGUST 8, 2007

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of August 2007.


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